

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
Of this Application:
Class _____ Subclass _____

Prior Application:
Exam'r: **Jezia Riley**
Prior Group Art Unit: **1637**

Attorney's
Docket No.:
Enz-61(D11)

FILED BY EXPRESS MAIL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a _____ CONTINUATION _____ X DIVISIONAL _____
CONTINUATION-IN-PART application under _____ X 37 CFR §1.53(b), of
pending prior application Serial No. 10/096,075 filed on March 12, 2002
of Stavrianopoulos et al.
Inventor(s)

for

**LABELING REAGENTS AND LABELED TARGETS,
TARGET LABELING PROCESSES AND OTHER PROCESSES
FOR USING SAME IN NUCLEIC ACID DETERMINATIONS AND ANALYSES**

Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and
an affidavit or declaration verifying it as a true copy.
2. X Small entity status was previously established in a prior
application and is still applicable.

17548 U.S. PTO
10/764418
012304

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL492433377US
Deposit Date January 23, 2004
I hereby certify that this paper and the attachments
herein are being deposited with the United States Postal
Service "Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above and is
addressed to the Commissioner of Patents and
Trademarks, Washington DC 20231.
[Signature] JAN 23 2004
R nald C. F dus Date
R g. N . 32,567

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

Page: 2 (Request for a Divisional Application Under 37 C.F.R. §1.53(b) -
January 23, 2004)

3. X The filing fee is calculated as follows:

| CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT | | | | | | | | | |
|--|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
| | | | | | RATE | | | FEE | |
| | Number Filed | | Number Extra | | Small Entity | Other Entity | | Small Entity | Other Entity |
| Total Claims | 19 | = | 0 | x | \$ 9 | \$ N/A | = | \$ 0 | \$ --- |
| Independent Claims | 2 | = | 0 | x | \$ 43 | \$ N/A | = | \$ 0 | \$ --- |
| Multiple Dependent Claims Presented: _____ Yes <u> X </u> No | | | | | \$135 | \$270 | | \$ 0 | \$ --- |
| * If the difference in Col. 1 is less than zero, enter "0" in Col.2 | | | | | | BASIC FEE | | \$385 | \$ --- |
| | | | | | | TOTAL FEE | | \$385 | \$ --- |

4. X The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

 X Any additional filing fees required under 37 CFR §1.16.

 X Any patent application processing fees under 37 CFR §1.17.

5. X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

 X Any patent application processing fees under 37 CFR §1.17.

 The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

Page: 3 (Request for a Divisional Application Under 37 C.F.R. §1.53(b) -
January 23, 2004)

_____ Any filing fees under 37 CFR §1.16 for
presentation of extra claims.

6. _____ A check in the amount of \$ _____ is enclosed.
7. X Cancel claim 2-286 .
8. X Amend the specification by inserting before the first line of the
sentence: ---- This is a _____ continuation, X divisional
of U.S. Patent Application Serial No. 10/096,075, filed on
March 12, 2002.---
9. _____ Transfer the drawings from the prior application.
10. X Informal X Formal _____ drawings are enclosed.
11. _____ Abandon said prior application as of the filing date accorded this
application. A **duplicate** copy of this sheet is enclosed for filing
in the prior application file.
12. _____ Priority of application Serial No. _____ filed on
_____ is claimed under 35 U.S.C. §119.
_____ The certified copy of the priority application has
been filed in prior application Serial No. _____ ,
filed _____.
13. X The prior application is assigned of record to Enzo Life Sciences,
Inc., c/o Enzo Biochem, Inc., 527 Madison Avenue, New York,
New York 10022. A copy of the Assignment is enclosed.
14. X A preliminary amendment is enclosed.

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

Page: 4 (Request for a Divisional Application Under 37 C.F.R. §1.53(b) -
January 23, 2004)

15. X The power of attorney in the prior application is to:
Ronald C. Fedus, Reg. No. 32,567.
- (a) X The power appears in the original papers in the
prior application.
- (b) Since the power does not appear in the original
papers, a copy of the power in the prior application
is enclosed.
- (c) A copy of a new substitute power of attorney is
enclosed.
- (d) X A copy of a new Associate Power of Attorney is
enclosed.
- (e) X Address all future communications to: (May only
be completed by applicant, or attorney or agent of
record.)

Ronald C. Fedus, Esq.
Enzo Life Sciences, Inc.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Floor)
New York, New York 10022-4304

16. X Oath or Declaration
- (a) Newly executed (original or copy)
- (b) X Copy from a prior application (37 CFR 1.63(d))
- (c) X With Power of Attorney
- (D) Without Power of Attorney

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

Page: 5 (Request for a Divisional Application Under 37 C.F.R. §1.53(b) -
January 23, 2004)

17. X I hereby verify that the attached papers are a true copy of prior
application Serial No. 10/096,075, filed on March 12, 2002.

The undersigned declares further that all statements made herein of his own
knowledge are true and that all statements made on information and belief are
believed to be true; and further that these statements were made with the
knowledge that willful false statements and the like so made are punishable by fine
or imprisonment, or both, under Section 1001 of Title 18 of the United States Code
and that such willful false statements may jeopardize the validity of the application
or any patent issuing thereon.

January 23, 2004
Date

Respectfully submitted,



Ronald C. Fedus

Registration No. 32,567

Attorney for Applicants

 Inventor(s)

 Assignee of Complete Interest

 X Attorney or Agent of Record

 X Filed under 37 CFR § 1.34(a)

Address of Signator:

Enzo Life Sciences, Inc.

c/o Enzo Biochem, Inc.

527 Madison Avenue (9th Floor)

New York, NY 10022-4304